

Senate Resolution 652

By: Senators Chapman of the 3rd, Heath of the 31st, Hill of the 32nd, Reed of the 35th,
Staton of the 18th and others

A RESOLUTION

Proposing an amendment to the Constitution so as to limit the power to take private property through eminent domain so that it shall not be used for economic development, including an increase in tax revenue, tax base, employment, or general economic health, or for redevelopment; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article I, Section III, Paragraph I of the Constitution is amended by striking subparagraph (b) and inserting in its place a new subparagraph (b) to read as follows:

"(b) When private property is taken or damaged by the state or the counties or municipalities of the state for public road or street purposes, or for public transportation purposes, or for any other public ~~purposes~~ uses as determined by the General Assembly, just and adequate compensation therefor need not be paid until the same has been finally fixed and determined as provided by law; but such just and adequate compensation shall then be paid in preference to all other obligations except bonded indebtedness. In no event shall the public benefits of economic development, including but not limited to an increase in tax revenue, tax base, employment, or general economic health, constitute a public use determined by the General Assembly pursuant to this Paragraph."

SECTION 2.

Article IX, Section II, Paragraph V of the Constitution is amended by striking such Paragraph and inserting in its place a new Paragraph to read as follows:

"Paragraph V. ***Eminent domain.*** The governing authority of each county and of each municipality may exercise the power of eminent domain for any public ~~purpose~~ use authorized under Article I, Section III, Paragraph I of this Constitution."

SECTION 3.

Article IX, Section II, Paragraph VII of the Constitution is amended by striking subparagraph (a) and inserting in its place a new subparagraph (a) to read as follows:

"(a) The General Assembly may authorize any county, municipality, or housing authority to undertake and carry out community redevelopment, which ~~may~~ shall not include ~~the sale or other disposition~~ acquisition of property ~~acquired~~ by eminent domain ~~to private enterprise for private uses.~~"

SECTION 4.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to provide that economic development and redevelopment shall never constitute public uses

() NO for which property may be taken through eminent domain?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.